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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,	)	No. CR 05-00651- CW
	)	
13 Plaintiff,	)	STIPULATION AND ORDER
	)	CONTINUING TIME FOR UNITED
14 v.	)	STATES' TO FILE OPPOSITIONS TO
	)	DEFENDANT'S MOTIONS AND
15 TIFFANY TAYLOR, CHRISTOPHER	)	DOCUMENTING THE EXCLUSION OF
16 JOHNSON, JOHN MORGAN, KIM	)	TIME UNDER THE SPEEDY TRIAL ACT
DRAGO, and MICHAEL DOWNEY,	)	18 U.S.C. § 3161
	)	
17 Defendants.	)	
	)	

18  
19 **STIPULATION**

20 Defendant Christopher Johnson is soon to be the sole remaining defendants who has not  
21 entered a guilty plea in this case. Defendant Johnson filed motions on August 4, 2006. The  
22 United States' response to those motions was initially due on August 18, 2006 but has been  
23 continued to September 18, 2006. The parties are continuing to engage in settlement discussions  
24 and agree that the United States' time to respond to the motions filed by defendant Johnson  
25 should be extended and that the case should be referred for a settlement conference in which the  
26 defendant should be ordered to participate in person. Therefore, the parties request that the  
27 Court extend the time for the filing of the United States' opposition to defendant Johnson's  
28 motions to October 31, 2006, to permit time for the parties to pursue a resolution of this matter.  
The parties

1  
2 further request that the matter be placed on the Court's calendar on November 6, or as soon  
3 thereafter as convenient, so that the parties may appraise the Court of the status of the case or  
4 enter a change of plea. In addition, the parties request that the matter be referred for a settlement  
5 conference and suggest that the Honorable Charles R. Breyer, if available, would be an  
6 appropriate settlement judge as that Court handled the settlement conference for the other  
7 defendants in this case. The parties further stipulate that an exclusion of time under the Speedy  
8 Trial Act, 18 U.S.C. § 3161, is appropriate based on the pendency of the defendant's motions.

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10 STIPULATED:

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12 DATED: \_\_\_\_\_

\_\_\_\_\_  
KIRSTIN M. AULT  
Assistant United States Attorney

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16 DATED: \_\_\_\_\_

\_\_\_\_\_  
RANDALL KNOX  
Attorney for Defendant Johnson

**ORDER**

With the agreement of the parties, and with the consent of the defendant, the Court enters this order continuing the date for the United States to respond to defendant Johnson's motions to October 31, 2006, and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from September 25, 2006, through November 6, 2006, or the date when the Court resolves the defendant's motions, whichever is later. The parties agree, and the Court finds and holds, as follows:

1. Defendant Johnson is in custody.

2. Defendant Johnson agrees that the time for the United States to file its oppositions to his motions should be extended to October 31, 2006.

3. Defendant Johnson agrees that time is excluded under the Speedy Trial Act based upon the pendency of the motions he has filed in this matter.

4. The parties agree that the case should be referred for a settlement conference.

5. Given these circumstances, the Court (1) continues the date for the United States to respond to the defendant's motions to October 31, 2006; (2) sets a hearing date of November 6, 2006 for status or change of plea; (3) refers the matter to the Honorable **Charles R. Breyer, if he is willing and available**, for a settlement conference and orders that the defendant participate in the conference in person; and (4) documents the exclusion of time under the Speedy Trial Act from September 25, 2006 to November 6, 2006, or until the Court has decided the defendant's motions, whichever is later, pursuant to 18 U.S.C. § 3161(h)(1)(F).

The pretrial conference set for September 25, 2006, and the jury trial set for October 10, 2006, are vacated.

IT IS SO ORDERED.

DATED: 9/20/06

  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge